

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 20th day of January, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Phillip Hyatt Mayor Pro Tem
 Billy Ellis Council Member
 Vickie Abrego Council Member
 Ramiro Gomez Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
 Sylvia Carrillo City Manager

ADMINISTRATIVE
PERSONNEL ABSENT: Yvonne Stonebraker City Secretary

STAFF PRESENT: Amanda Torres Administrative Assistant
 Eric Blanchard Chief of Police
 Michael Holmes Building Official
 Donna Cox Finance Director
 Jeff Martin IT Director
 Rick Kilgore Fire Chief
 Ron Howe M.C. Judge
 Paul Alvarado Public Works Director
 Bill Haines Emergency Management Coordinator
 Margarita Wilhelm GIS Intern

OTHERS PRESENT: Nancy Vasquez & Robert Cuevas/Linebarger, Goggan, Blair and
 Sampson, Jim & Alpha Covington, Mike Reeves, Bill Morgan, Ernie &
 Olivia Torres, Susan Ziemba, Roger Erwin, Ann Melton, Annita
 West/Aransas Pass Progress, Patsy Lawrence and Scott Harris

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 PM.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the Invocation and led the Pledge of Allegiance to the United States Flag.

3. **CONSIDER AND ACT ON MINUTES OF JANUARY 20, 2014.**

Motion Made By: Hyatt
Seconded By: Ellis
Votes: Aye Hyatt, Ellis, Chapa, Gomez, Abrego
Nay:

Discussion: Mayor Chapa stated, for future minutes, he would like for all Council Members who abstain from a vote, to give an explanation of abstention concerning minutes for public record.

4. **CONSIDER AND ACT ON REQUEST OF JANIE RESENDEZ FOR USE OF THE SHRIMPOREE GROUNDS.**

Motion Made By: Abrego
Seconded By: Gomez
Votes: Aye Abrego, Gomez, Chapa, Hyatt, Ellis
Nay:

Discussion: Council member Abrego made a motion to approve the request of Janie Resendez for use of the Shrimporee grounds with the stipulation that Ms Resendez would pay for electricity used and carry liability insurance. Council member Gomez seconded the motion and the motion carried unanimously.

5. **CONSIDER AND ACT ON APPROVING THE CREATION OF THE ARANSAS PASS BUILDING STANDARDS BOARDS; AMENDING THE ARANSAS PASS CODE OF ORDINANCES CHAPTER 5. BUILDINGS AND CONSTRUCTION, ARTICLE 1. IN GENERAL, SECTIONS 5.5 - 5.9 BY ADDING THE BUILDING STANDARDS BOARD AND APPOINTING MEMBERS TO THE BUILDING STANDARDS BOARD.**

Motion Made By: **PASSED**
Seconded By:
Votes: Aye
Nay:

Discussion:

6. **CONSIDER AND ACT ON TAX RESALE PROPERTIES:**

A. SUIT NO. S-04-1053-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Roland R. Rivas, et al Acct. No. 35617; Lot 8, Block 272, Original Townsite, City of Aransas Pass, San Patricio County, Texas, as described in Document File #441553, Real Property Records of San Patricio County, Texas

B. SUIT NO. S-07-1214-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Edward Lee Weight, et al Tract No. 1: Acct. No. 35619; Lot 14, and the East 25 feet of Lot 13, Block 272, Original Townsite, City of Aransas Pass, San Patricio County, Texas, as described in Clerk's file #401734, Real Property Records of San Patricio County, Texas.

C. SUIT NO. S-08-1100-TX; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs Lupe Leal, et al Acct. No. 0011-0351-0007-002; Lots 7 & 8, Block 351; City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 10, and in Volume 3, Page 41, Map Records of San Patricio County, Texas.

D. SUIT NO. S-09-1327—TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Dellene Nelson Vaughan, et al Tract No. 1: Acct. No. 35533; Lot 16, Block 256, Original Townsite, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of Nueces County, Texas.

E. SUIT NO. S-10-1142-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs Frank De La Rosa, Sr., et al Acct. No. 42861; Block 3, out of Lot 42, Burton and Danforth Subdivision, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 62, Map Records of San Patricio County, Texas.

F. SUIT NO. S-10-1146-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs James F. Hudson, et al Acct. No. 64341; Lot 4-A, Re-Plat of Farm Lot 4, Outlot 16, Burton & Danforth Subdivision, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 12, Page 42, Map Records of San Patricio County, Texas.

G. SUIT NO. A-01-3058-TX-B; Aransas County, Aransas Pass Independent School District and City of Aransas Pass vs Martin Ancira, Jr., et al Tract No. 2: Acct. No. R15551; All that certain lot, tract or parcel of land being 50 feet off the Northwest side of Tract 11, Conn Brown Addition No. 3, according to the map or plat thereof recorded in Volume 1, Page 69, Plat Records of Aransas County, Texas.

H. SUIT NO. A-07-3063-TX-A; Aransas Pass Independent School District, City of Aransas Pass and San Patricio County vs Jeffrey A. Duay, et al Tract No. 5: Acct. No. 0149-389-025-000, R12486; ; Lots 25, 26, 27, & 28, Block 389, Original Townsite, City of Aransas Pass, Aransas County, as described in Clerk's file #217490, Official Records of Aransas County, Texas.

I. SUIT NO. A-07-3063-TX-A; Aransas Pass Independent School District, City of Aransas Pass and Aransas County vs Jeffrey A. Duay, et al Tract No. 4: Acct. No. 0149-0389-030-000, R12488; Lots 30, Block 389; City of Aransas Pass, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of Aransas Pass, Texas.

J. SUIT NO. A-07-3063-TX-A; Aransas Pass Independent School District, City of Aransas Pass and Aransas County vs Jeffrey A. Duay, et al Tract No. 6: Acct. No. 0149-0389-032-000, R12490; Lots 32, Block 389; City of Aransas Pass, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of Aransas Pass, Texas.

K. SUIT NO. A-07-3099-TX-A; Aransas County and City of Aransas Pass vs Anna Mae Ferguson, et al Acct. No. R12612: Lots 7 & 8, Block 456, Original Townsite, City of Aransas Pass, Aransas County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 105, Map Records of Aransas County, Texas.

L. SUIT NO. S-08-1057-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Nancy Clemons James, aka Nancy Edwards, et al Acct. No. 0011-262-0015-002; Lots 15 & 16, Block 262, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 2, Pages 10-11, and Volume 3, Page 41, Map Records of San Patricio County, Texas.

M. SUIT NO. S-10-1153-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. A.A. Tripp, Jr., et al Acct. No. 35567; Lot 4, Block 261, an addition to the Town of Aransas Pass, San Patricio County, Texas, as described in Volume 242, Page 639, Deed Records of San Patricio County, Texas.

N. SUIT NO. S-10-1167-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Slidell Harvey, et al Acct. No. 34852; All of Lots 19-21, Block 755, Alamo Heights Addition, an addition to San Patricio County, Texas, according to the map or plat thereof, recorded in Clerk's File #485224, Official Public Records of San Patricio County, Texas.

O. SUIT NO. S11-1092-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. William E. Nichols III, et al Acct. No. 0011-0311-0015-010; an undivided 18.0556% interest in Lot 15, Block 311 and Lots 1, 2, 3, 6, 7, 13, 14 & 16, Block 312, Original Townsite, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas.

Motion Made By: **PASSED**

Seconded By:

Votes: Aye

Nay:

Discussion:

7. CONSIDER AND ACT ON APPROVING ITEMS FOR FINANCE DEPARTMENT:

A. Amending Aransas Pass Code of Ordinances Chapter 22 Personnel; Section 22-20 Policies and Pay Plan Adopted and codifying the entire Personnel Policy.

B. Resolution authorizing city manager to allocate funds between line items.

C. Recognize and budget unanticipated revenue and expenses - Overbid \$9,155.00 for Library; Ed and Hazel Richmond \$5,000.00 for Library; Coastal Bend Foundation \$5,000.00 for Playground equipment and Coastal Bend Foundation \$7,000.00 for Harbor Sign and Bid for termite extinction at the Ed and Hazel Richmond Library.

D. Resolution approving participation in Energy Curtailment Specialists' "PowerPay! Texas" and "PowerPay! Summer Load Management Program and recognize and budget unanticipated revenue and expenses.

E. Investment policy for the City of Aransas Pass.

Motion Made By: Ellis

Seconded By: Abrego

Votes: Aye Ellis, Abrego, Chapa, Hyatt, Gomez

Nay:

Discussion: Council member Ellis made a motion to approve amending the Aransas Pass Code of Ordinances by codifying the Aransas Pass Personnel Policy; approving a resolution authorizing city manager to allocate funds between line items; recognizing and budgeting unanticipated revenues and expenses; approving resolution to participate in the Energy Curtailment Specialists program and an investment policy for the City of Aransas Pass. Council member Abrego seconded the motion and the motion carried unanimously.

8. CONSIDER AND ACT ON APPROVING ITEMS FOR PUBLIC WORKS DEPARTMENT:

A. Krystil Klear Liquid Bag Housing for the JBS pump station on Bigelow at Conn Brown Harbor.

B. Bid for backflow prevention devices on all lift station faucets.

C. Purchase of Bioxide-an odor control chemical, for the Demory Lift Station, for high levels of hydrogen sulfide. Siemens Controls (fka USFilter Davis) provides the tank and pump that delivers the Bioxide to control the odor.

- D. Emergency Equipment Rental Agreement between the City of Aransas Pass and Aqua-Zyme Disposal Systems
E. Fuel Purchase from Susser Petroleum to provide fuel to the City of Aransas Pass.

Motion Made By: Ellis
Seconded By: Gomez
Votes: Aye Ellis, Gomez, Chapa, Hyatt, Abrego
Nay:

Discussion: Council member Ellis made a motion to approve the purchase of Krystil Klear Liquid Bag Housing for the JBS pump station on Bigelow at Conn Brown Harbor; H.D. Supply bid for backflow prevention devices on all lift station faucets; approving the purchase of Bioxide – an odor control chemical, for the Demory Lift Station, for high levels of hydrogen sulfide from Siemens Controls; Emergency Equipment Rental Agreement between the City of Aransas Pass and Aqua-Zyme Disposal Systems and Fuel Purchase from Susser Petroleum to provide fuel to the City of Aransas Pass. Council Member Gomez seconded the motion and the motion carried unanimously.

9. **PRESENTATION OF THE 2013 RACIAL PROFILING REPORT BY POLICE CHIEF ERIC BLANCHARD.**

Discussion: Chief Eric Blanchard went over the 2013 Racial Profiling Report with the City of Aransas Pass City Council. He stated the 2013 Racial Profiling Report kept the City of Aransas Pass in compliance with Texas Senate Bill 1074; which later became the Texas Racial Profiling Law.

Chief Blanchard read off a couple of statistics from the report. From January 1, 2013 to December 31, 2013, the Aransas Pass Police Department had 1,575 motor vehicle-related contacts. He stated there were 86% Caucasians, 4% African American, 8% Hispanic, 2% Asian. He stated there was only one complaint filed and after investigating and finding no evidence that race played a factor, the complainant was satisfied with the outcome.

10. **CONSIDER AND ACT ON CALLING AND APPROVING ORDER OF THE GENERAL ELECTION FOR THE CITY OF ARANSAS PASS TO ELECT COUNCIL MEMBER PLACE 2 AND COUNCIL MEMBER PLACE 4.**

CONSIDERE Y ACTÚE SOBRE EL LLAMAMIENTO Y APROBAR QUE ORDEN DE LA ELECCIÓN GENERAL/ESPECIAL PARA LA CIUDAD DEL PASO DE ARANSAS PARA ELEGIR LUGAR DE MIEMBRO DE CONCILIO 2 Y LUGAR DE MIEMBRO DE CONCILIO 4.

Motion Made By: Hyatt
Seconded By: Ellis
Votes: Aye Hyatt, Ellis, Chapa, Gomez, Abrego
Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve calling a General Election for the City of Aransas Pass to elect Council Member Place 2 and Council Member Place 4 with a correction to the Spanish version. Council member Ellis seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON CALLING A SPECIAL ELECTION FOR THE CITY OF ARANSAS PASS PROPOSITION: WHETHER THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT SHOULD BE CONTINUED AND THE PREVENTION DISTRICT SALES AND USE TAX SHOULD BE CONTINUED.**

PENSAR Y ACTUAR SOBRE LA CONVOCATORIA A UNA ELECCIÓN ESPECIAL PARA LA CIUDAD DE ARANSAS PASS LA PROPOSICIÓN: * SI EL ARANSAS PASS CONTROL DE LA CRIMINALIDAD Y LA PREVENCIÓN DISTRITO DEBE SER CONTINUADO Y * LA * DISTRITO PREVENCIÓN IMPUESTO SOBRE EL USO Y LA VENTA SE DEBE CONTINUAR.

Motion Made By: Hyatt
Seconded By: Abrego
Votes: Aye Hyatt, Abrego, Chapa, Gomez, Ellis

Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve calling a Special Election for the City of Aransas Pass Proposition: Whether the Aransas Pass Crime Control and Prevention District should be continued and the Prevention District Sales and Use Tax should be continued. Council Member Abrego seconded the motion and the motion carried unanimously.

12. **CITY MANAGER UPDATES: LINEBARGER'S MODIFIED PROCESS FOR MUNICIPAL COURT COLLECTIONS; SOLID WASTE RFP DISCUSSION; 2ND CHANCE BOXING CLUB**

City Manager Carrillo discussed Linebargers modified process for Municipal Court Collections; Solid Waste RFP's with City receiving 3 very competitive bids; City of Aransas Pass paying for 2nd Chance Boxing Clubs utilities and possibly finding grants to help Mr. Gilden with utility expenses; Seaman's Memorial Commission – members, applications, vacancies.

13. **CITIZENS' COMMENTS**

Name: Robert Cuevas, Linebarger, Goggan, Blair, and Sampson

Address:

Concern: Ready to discuss tax re-sale properties

Departments Affected:

Discussion: Mayor Chapa stated he would like to see a map showing where all tax re-sale properties are located in the City before making a decision.

Name: Ms. Ann Melton

Address:

Concern: Another wreck occurring at the intersection of S. Commercial and Beasley.

Departments Affected:

Discussion:

14. **RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight retired into Executive Session at 8:05 PM.

A. Section 551.071 –Consultation with City Attorney – Legal Matters – Naismith Engineering

B. Section 551.074 – Deliberations Regarding Personnel – Sylvia Carrillo – City Manager

15. **RECONVENE OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Open Meeting at 9:11 PM.

A. Section 551.071 - Consultation with City Attorney – Legal Matters – Naismith Engineering

Motion Made By: Hyatt

Seconded By: Ellis

Votes: Aye Hyatt, Ellis, Chapa, Gomez, Abrego

Nay:

Discussion: Council member Ellis made a motion authorizing City Manager Carrillo to submit a letter to the Texas General Land Office removing Naismith as the City of Aransas Pass Engineer.

B. Section 551.074 – Deliberations Regarding Personnel – Sylvia Carrillo – City Manager

Motion Made By: Ellis

Seconded By: Abrego

Votes: Aye Ellis, Abrego, Chapa, Hyatt, Gomez

Nay:

Discussion: Council Member Ellis made a motion to approve a 3-year Contract with a 2-year option with City Manager Carrillo. Council member Abrego seconded the motion and the motion carried unanimously.

16. **ADJOURNMENT OF MEETING.**

Motion Made By: Hyatt
Seconded By: Ellis
Votes: Aye Hyatt, Ellis, Chapa, Gomez, Abrego
Nay:

Mayor Pro Tem Hyatt made a motion to adjourn the meeting. Council member Ellis seconded the motion and the motion carried unanimously

Mayor Chapa adjourned the meeting at 9:13 PM.

Adan Chapa, Mayor

Yvonne Stonebraker, City Secretary